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Filed : June 20, 2003

### REMARKS

By way of summary, Claims 1-20 were originally filed in the present application. Through previous amendments, Claims 21-26 were added. Claim 18 is amended herein, and new Claims 27 and 28 are added herein. Thus, Claims 1-28 are pending in the present application.

Amendments to the claims set forth above include markings to show the changes by way of the present amendment, deletions being in ~~strikeout~~ (e.g., ~~strikeout~~) and additions being underlined (e.g., underlined).

#### **Allowable Claims**

Applicants acknowledge with appreciation that Claims 12-17, 24, and 25 were deemed allowable by the Examiner.

#### **Claims 1-3, 5, 7, and 9 Are Allowable Over Westberg**

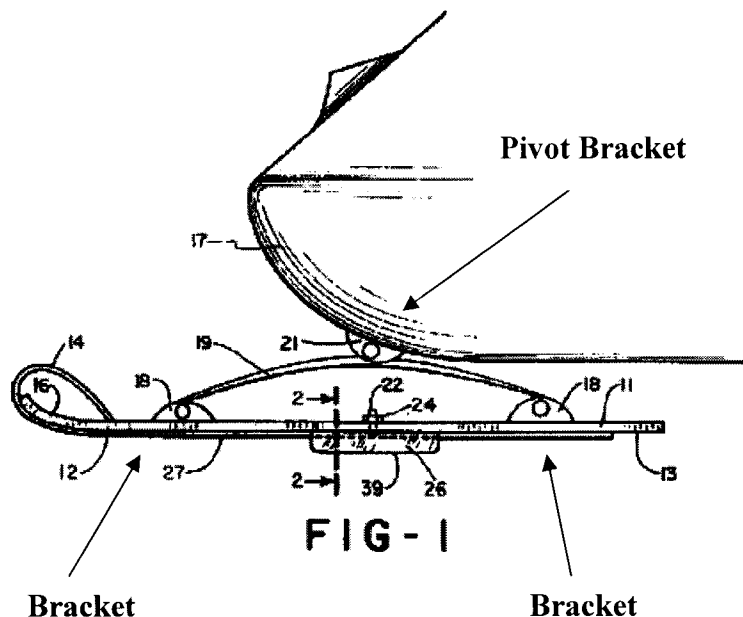
Claims 1-3, 5, 7, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,718,341 issued to Westberg ("Westberg"). Applicants respectfully disagree with the characterization of Westberg set forth in the Office Action and with the rejection of the presently pending claims. Accordingly, Applicants traverse the rejection and respectfully submit that the presently pending claims are patentable over Westberg as discussed in detail below.

Claim 1 recites:

A ski for a snow vehicle, the ski comprising a ski body having a generally horizontal bottom surface that contacts the snow when the ski is in use, a ski mounting bracket located on a top side of the ski body, the ski mounting bracket defining at least in part a pivot point where the ski is attached to the snow vehicle, a wear bar disposed on the bottom side of the ski body, and at least one glide member also disposed on the bottom side of the ski member, the glide member being positioned at least as low as the lowest most part of the wear bar, the glide member being wider than a portion of the wear bar next to the glide member, *the entire glide member being disposed either forward or rearward of the bracket pivot point.*

Westberg does not contain each and every limitation recited by Claim 1. Claim 1 recites, among other things, a glide member that is disposed either entirely forward or rearward of the bracket pivot point, as emphasized by the italicized language in the claim above.

Westberg discloses an anti-skid device 26 attached to a wear bar 12 of a snowmobile ski 11 to prevent the ski from sliding sideways. Westberg, Col. 1, lines 2-5. "The ski 11 is attached to snowmobile 17 through the use of brackets 18, a spring device 19, and a pivot bracket 21." *Id.*, Col. 1, lines 47-49. As illustrated in Figure 1 of Westberg, which is reproduced below, the pivot bracket 21 operates as a pivot point of the snowmobile 17 about which the ski assembly pivots. The brackets 18 attach the spring device 19 to the snowmobile ski 11. The brackets 18 cannot operate as pivot points because Westberg does not describe any structure of the snowmobile ski 11 which pivots or rotates about the brackets 18. See Figure 1.



As shown in Figure 1, the anti-skid device 26 is disposed directly below the pivot bracket 21. It is not positioned entirely forward or entirely rearward of the pivot bracket 21. Therefore, Westberg does not disclose *inter alia*, a glide member that is entirely disposed either forward or rearward of the bracket pivot point.

As described above, Westberg does not contain each and every limitation of Claim 1. Thus, Applicants respectfully submit that Claim 1 is in condition for immediate allowance. Dependent claims 2, 3, 5, 7, and 9 depend from independent Claim 1. These claims are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

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**Claims 18-22 Are Allowable Over Cook In View Of Metheny**

Claims 18-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,308,966 issued to Cook et al. ("Cook") in view of U.S. Patent No. 5,040,818 issued to Metheny ("Metheny"). Applicants respectfully disagree with the characterization of the references set forth in the Office Action and with the rejection of the presently pending claims.

In particular, Applicants do not acquiesce to the Examiner's position that "the limitation of 'means for preventing a portion of the wear bar from entering the snow' could read on any structure on a ski because snow is various shapes and density and any protrusion, such as the prong 30 of Cook et al., could cause a portion of a wear bar to not make contact with snow." Office Action, page 4. Nevertheless, to expedite issuance of the other pending claims, Applicants have amended Claim 18 to recite the location of the means relating to the wear bar so as to more clearly distinguish this claim over Cook and Metheny. Accordingly, Applicants respectfully submit that these claims are patentable over Cook and Metheny as discussed in detail below.

Amended Claim 18 recites:

A snowmobile comprising an engine, a transmission, a drive track, a steering mechanism, and a ski, the ski having a ski body with a generally horizontal bottom surface that contacts snow when the ski is in use, a ski mounting bracket located on a top side of the ski body, the ski mounting bracket defining at least in part a pivot point, a wear bar extending below the bottom surface of the ski body, and means for preventing at least a portion of the wear bar from entering depressions in a snow surface, *said means extending directly below the wear bar* and being positioned entirely either forward or rearward of the bracket pivot point.

The cited references, either individually or in combination, do not teach or suggest the unique combination of limitations recited by Claim 18. Claim 18 recites, among other things, means for preventing at least a portion of the wear bar from entering depressions in a snow surface, the means extending directly below the wear bar, as emphasized by the italicized language above.

As described in detail in Applicants' response to the Office Action mailed on January 25, 2006, Cook discloses a moveable prong 30 that is connected to a pivotal member 28 on a top side

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of a ski body. Cook, Col. 3, lines 19-24, 37-38. The prongs 30, 30' are generally thin and narrow spikes that stab into the snow. *Id.*, Col. 4, lines 50-52.

Metheny, which is also described in Applicants' earlier response, discloses a wear bar 115 mounted to an under surface 306 of an elongated member 101 of a snowmobile ski. Metheny, however, does not disclose a means for preventing at least a portion of a wear bar from entering depressions in a snow surface.

If the ski of Cook included a wear bar extending from a bottom surface of the ski body, the moveable prong 30 would extend along the side of the wear bar, not directly below the wear bar. Metheny simply does not disclose a means for preventing at least a portion of a wear bar from entering depressions in a snow surface. Therefore, Cook and Metheny, either alone or in combination, do not disclose a means for preventing at least a portion of the wear bar from entering depressions in a snow surface where the means extends directly below the wear bar.

Accordingly, the combination of cited references does not contain each and every limitation of Claim 18. Thus, Applicants respectfully submit that Claim 18 is in condition for immediate allowance. Dependent claims 19-22 depend from independent Claim 18. These claims are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

#### **Claims 4, 8, 10, and 11 Are Allowable Over The Combinations of Cited References**

Claims 4 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg. Dependent claims 4 and 8 depend from independent Claim 1. As discussed above, Westberg does not contain each and every limitation of Claim 1. Accordingly, Claims 4 and 8 are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Westberg in view of Metheny. Dependent claims 10 and 11 depend from independent Claim 1. As discussed above, Westberg does not contain each and every limitation of Claim 1. Metheny does not overcome the deficiencies of Westberg. Accordingly, Claims 10 and 11 are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

**New Claim 27 Is In Condition For Immediate Allowance**

New Claim 27 recites:

A ski for a snow vehicle, the ski comprising a ski body having a generally horizontal bottom surface that contacts the snow when the ski is in use, a ski mounting bracket located on a top side of the ski body, the ski mounting bracket defining at least in part a pivot point where the ski is attached to the snow vehicle, a wear bar disposed on the bottom side of the ski body, and at least one glide member also disposed on the bottom side of the ski member, the glide member being positioned at least as low as the lowest most part of the wear bar, the glide member being wider than a portion of the wear bar next to the glide member, the entire glide member being disposed either forward or rearward of the bracket pivot point, *wherein at least one surface of the glide member is disposed directly beneath at least a portion of the wear bar and is angled in a downward direction away from the ski horizontal surface.*

The references cited by the Examiner (including Westberg) do not contain each and every limitation recited by new Claim 27. Claim 27 recites, among other things, a glide member having at least one surface that is disposed directly beneath at least a portion of the wear bar and that is angled in a downward direction away from a ski horizontal surface, as emphasized by the italicized language in the claim above.

As described above, Westberg discloses an anti-skid device 26 attached to a wear bar 12 of a snowmobile ski 11. Westberg, Col. 1, lines 2-5. The anti-skid device 26 is attached over the wear bar 12 in a saddle fashion. *Id.*, Col. 1, lines 56-60. Thus, the anti-skid device 26 is disposed on the sides of the wear bar 12, not beneath the wear bar. *See id.*, Figures 2-5.

The anti-skid device of Westberg does not have at least one surface that is disposed beneath at least a portion of the wear bar and that is angled in a downward direction away from the ski horizontal surface. Accordingly, Westberg does not contain each and every limitation of new Claim 27. Therefore, Applicants respectfully submit that Claim 27 is in condition for immediate allowance.

**New Claim 28 Is In Condition For Immediate Allowance**

New Claim 28 contains the same limitations as Claim 6. In the Office Action, the Examiner indicated that Claim 6 is objected to as being dependent upon a rejected base claim,

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but would be allowable if rewritten in independent form including all of the limitations of Claim 1. *See* Office Action, page 4. Accordingly, Applicants have rewritten Claim 6 in independent form and have presented this claim as new Claim 28. Thus, Applicants respectfully submit that Claim 28 is in condition for immediate allowance.

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**Conclusion**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above. Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references, taking into account the disclosure in the applied references that teaches away from the combination made in the pending Office Action.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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